

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

MICHAEL ANTHONY DUDLEY,	)	
JR.,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:20cv613-MHT
	)	(WO)
WARDEN JONES,	)	
	)	
Defendant.	)	

OPINION AND ORDER

Pursuant to 42 U.S.C. § 1983, plaintiff, a state prisoner, filed this lawsuit contending that the defendant warden failed to protect him from assault by other inmates and acted with deliberate indifference to his medical needs. Plaintiff filed a motion for preliminary injunction seeking an order for protection from allegedly retaliatory transfers, deliberate indifference to the dangers he faces, and threats and coercion. This case is before the court on the recommendation of the United States Magistrate Judge that plaintiff's motion for preliminary injunction be

denied. Also before the court are plaintiff's objections to the recommendation, in which he clarifies that he seeks only an order transferring him to protective custody.

While the court is sympathetic to his desire for placement in protective custody, plaintiff has not met the burden that applies to a request for a preliminary injunction. See *CBS Broad., Inc. v. EchoStar Commc'ns Corp.*, 265 F.3d 1193, 1200 (11th Cir. 2001). In any case, as plaintiff is no longer incarcerated at the prison where the sole defendant is the warden, the court cannot order the defendant to place plaintiff in protective custody.

\*\*\*

Accordingly, and upon an independent and de novo review of the record, it is ORDERED as follows:

- (1) Plaintiff's objections (Doc. 51) are overruled.
- (2) The recommendation of the United States Magistrate Judge (Doc. 49) is adopted.

(3) The motion for preliminary injunction (Doc. 31)  
is denied.

It is further ORDERED that this case is referred  
back to the magistrate judge for further proceedings.

DONE, this the 29th day of December, 2021.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE